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08 April 2004

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

Attorney's Docket No. 20040117.ORI

International Application No.: PCT/GB02/04633

International Filing Date: 11 October 2002

Priority Date Claimed: 11 October 2001

Title of Invention: CONTROL OF GENE EXPRESSION USING  
A COMPLEX OF AN OLIGONUCLEOTIDE  
AND A REGULATORY PEPTIDE

Applicant(s) for DO/EO/US: HART, Stephen  
ALI, Simak  
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BULUWELA, Laki  
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KANDA, Patrick

MAIL STOP PCT  
COMMISSIONER FOR PATENTS  
ALEXANDRIA, VA 22313-1450

RECEIVED  
APR 16 2004  
DIPE/JCWS

Dear Sir:

Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.   X   This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.        This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.        This express request to begin national examination procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4.        A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date (in German).

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5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
    - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau.)
    - b. ☒ has been transmitted by the Int'l Bureau.
    - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
  6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
  7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
    - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
    - b. ☐ have been transmitted by the Int'l Bureau.
    - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
    - d. ☐ have not been made and will not be made.
  8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
  9. ☒ An unexecuted oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
  10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11-16 below concern documents or information included:
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
  12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
  13. ☒ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
  14. ☐ A substitute specification.
  15. ☐ A change of power of attorney and/or address letter.

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16. X Other items or information: a Transmittal Letter to the United States Designated/Elected Office; a copy of the published PCT; Preliminary Amendment; an unexecuted Declaration; Notice Informing the Applicant of the Communication of the International Application to the Designated Offices, Return Receipt Postcard; PCT Request; International Search Report; Request for Filing a Continuation of an International Application; a Multiple Dependent Claim Fee Calculation Sheet.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.



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Attorney for Applicant  
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REQUEST FOR FILING A CONTINUATION OR DIVISION OF AN INTERNATIONAL APPLICATION

DOCKET NUMBER	ANTICIPATION CLASSIFICATION OF THIS APPLICATION		PRIOR APPLICATION EXAMINER	ART UNIT
20040117.0RI	CLASS	SUBCLASS		

Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53(b) of pending prior international application Number PCT/GB02/04633, filed on 11.10.02 entitled CONTROL OF GENE EXPRESSION USING A COMPLEX OF AN OLIGONUCLEOTIDE AND A REGULATORY PEPTIDE, which designated the United States.

Note: 37 CFR 1.53(d) cannot be used to file a continuation or divisional application of an international application which has not entered the national stage.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c))	57 - 20 =	37		x \$ 18 =	\$ 666.00
INDEPENDENT CLAIMS (37 CFR 1.16(b))	6 - 3 =	3		x \$ 86 =	258.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				x \$ 290 =	290.00
BASIC FEE (37 CFR 1.16(a))					770.00
Total of above Calculations =					1984.00
Reduction by 50% for filing small entity (Note 37 CFR 1.27).					
Total =					1984.00

- Enclosed are the specification, claims and drawing(s).
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☒ The Director is hereby authorized to charge any fees which may be required under 37 CFR 1.16 and 1.17, or credit any overpayment of Deposit Account No. 08-1265. A duplicate copy of this sheet is enclosed.
- ☒ A check in the amount of \$ 1984.00 is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ Application Data Sheet is enclosed. See 37 CFR 1.76.
- ☐ If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:  
☒ Continuation ☐ Divisional of prior PCT application No.: PCT/GB02/04633, filed 11.10.02

[Page 1 of 2]

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR FILING A CONTINUATION OR DIVISION OF AN INTERNATIONAL APPLICATION**

8. ☒ A declaration under CFR 1.63 is enclosed.

9. ☒ Priority of foreign application number 0124391.4, filed on 11.10.01 (11 October 2001) in Great Britain is claimed under 35 U.S.C. 119(a)-(d).

☐ The certified copy is enclosed.

10. ☒ A preliminary amendment is enclosed.

11. ☒ Also enclosed:

Certificate of Mailing Via Express Mail, return postcard and all items listed in Transmittal Letter.

Address all future correspondence to: (May only be completed by applicant, or attorney or agent or record).

C. G. Mersereau, Esq., NIKOLAI & MERSEREAU, P.A., 900 Second Avenue South,

Suite 820, Minneapolis, Minnesota 55402-3325

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

April 8, 2004

Date



Signature

612-339-7461

Telephone Number

C. G. Mersereau

Typed or printed name

26,205

Registration Number, if applicable

☐ Inventor(s)/Applicant(s)

☐ Assignee of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ Attorney or agent of record

☐ Filed under 37 CFR 1.34(a)  
Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

Express Mail No. EL970093468US

PATENT APPLICATION

Docket No. 20040117.ORI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Stephen Hart et al : 08 April 2004

For : CONTROL OF GENE EXPRESSION  
USING A COMPLEX OF AN OLIGONUCLEOTIDE  
AND A REGULATORY PEPTIDE

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**CERTIFICATE OF MAILING VIA EXPRESS MAIL**

Mail Stop PCT  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371, a Request for Filing a Continuation or Division of an International Application, a copy of the published patent application, a copy of the PCT Request, Preliminary Amendment, a copy of the Notice Informing the Applicant of the Communication of the International Application to the Designated Offices, Notification of Transmittal of the International Search Report or the Declaration, the International Search Report, an unexecuted Declaration, Power of Attorney and Petition, a Multiple Dependent Claim Fee Calculation Sheet, Patent Application Data Entry Format, a check in the amount of \$1984.00 to cover the filing fees and a return receipt postcard, all in connection with the above-identified patent application are being deposited with the United States Postal Service "Express Mail Post Office to Addressee"

service under 37 CFR 1.10 on the date indicated above and are addressed to: Mail Stop PCT, Commissioner for Patents, Alexandria, VA 22313-1450, under Express Mail Post Office to Addressee Label No. EL970093468US.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.

A handwritten signature in cursive script, reading "Barbara L. Davis".

Barbara L. Davis  
On Behalf of C. G. Mersereau  
Attorney for Applicant  
900 Second Avenue South, #820  
Minneapolis, MN 55402  
(612) 339-7461